

REMARKS

In the May 17, 2006 Office Action, claims 1-20 were rejected. This Response amends claims 1, 16, and 20 to better clarify the recited subject matter. After entry of the foregoing amendments, claims 1-20 (no additional claim fees due) remain pending in the application. Reconsideration of the application is respectfully requested in view of the above amendments and the following remarks.

Claims 1 and 5 stand rejected under 35 U.S.C. §102(b) as being anticipated by Lee et al., USPA 2002/0071396 (hereinafter “Lee”). Applicant respectfully traverses this rejection.

Lee discloses a telecommunication system that downloads software vocoders into the mobile handsets such that no vocoding conversions are needed between the two handsets. The goal of the Lee system is to eliminate the delay caused by the insertion of a vocoder (or multiple vocoders) in the network between the two handsets [see paragraphs 0029-0031 of Lee]. Lee’s system tunnels voice data from the originating handset to the destination handset without any vocoding conversions, except at the handsets [paragraph 0022]. The particular vocoder needed to support a communication session is downloaded from the BSC to the destination handset such that the vocoding operation is performed at the destination handset rather than in the network communication path between the two handsets [paragraph 0033].

Lee does not teach or suggest the invention recited in claim 1, which has been amended to clarify that the method inserts the transcoder into the bearer traffic path between the originator and the terminator. Support for this amendment can be found throughout Applicant’s original specification – no new matter has been introduced. In particular, Lee does not teach or suggest the insertion of a vocoder, a transcoder, or any such component between the originator and the terminator. Indeed, the focus and goal of the Lee system is to eliminate the use of vocoders in the network traffic path between the two handsets. Accordingly, Lee does not teach this limitation of claim 1, and Lee actually teaches away from this limitation of claim 1.

For at least the above reasons, independent claim 1 is not anticipated by Lee. Likewise, claim 5, which depends from claim 1, is not anticipated by Lee. Therefore, Applicant requests the withdrawal of the §102 rejection of claims 1 and 5.

Claims 1-20 stand rejected under 35 U.S.C. §102(b) as being anticipated by Reddy et al., USPN 6,243,590 (hereinafter “Reddy”). Applicant respectfully traverses this rejection.

Reddy discloses a telecommunication system having a handset that can select one of a plurality of vocoders to be used for a given connection. This feature allows a mobile telephone to “adjust the type of vocoder being used to originate calls to match the capabilities of the base station that is providing service for the mobile telephone” [Column 2, Lines 49-52]. FIG. 1 of Reddy is a block diagram of the mobile telephone; the mobile telephone includes a vocoder type table 200 that contains a list of “all the vocoder types supported by the mobile telephone” [Column 3, Lines 10-11].

Notably, the bulk of the processing logic and intelligence of the Reddy system resides in the mobile telephone and not in the base station or any network component. In particular, the mobile telephone in the Reddy system originates calls in the following manner: (1) the mobile telephone selects a default (preferred) vocoder type and sends an access probe to the base station – the access probe will identify the default vocoder type; (2a) if the access probe produces an accept message from the base station, then the default vocoder type is supported by the base station and the call can continue; (2b) if the access probe produces a reject message from the base station, then the default vocoder type is not supported by the base station; (3) in response to a reject message, the mobile telephone will select a different vocoder type and send another access probe to the base station; (4) this process is repeated until the base station sends an accept message or until the system determines that the call cannot be completed because the base station does not support any of the vocoders selected by the mobile telephone. To summarize, the mobile telephone in the Reddy system is dynamically configurable to select its vocoders to match the existing capability of the base station. The base station merely accepts or rejects the vocoder type selected by the mobile telephone. Reddy explains this routine at Column 3, Line 40 to Column 4, Line 5, and depicts this routine in FIG. 3.

Reddy does not teach each and every limitation of claims 1-20. As recited in the “requesting” clause of claim 1, the originator makes a request through a communication network to the call controller. In other words, the call controller is not part of the originator itself. Claim 1 continues to recite that the call controller determines whether a transcoder is required and that the call controller inserts the transcoder into the traffic path. These tasks are performed by the call controller, which is a network component that is distinct from the originator (e.g., the originating mobile device). Reddy does not disclose or suggest a call controller having the recited functionality. In contrast, the mobile telephone of Reddy performs

all of the vocoder selection and reconfiguration tasks. Notably, the controller 110 of the Reddy system is actually located in the mobile telephone; this controller 110 cannot be reasonably compared to Applicant's network call controller.

For at least the above reasons, independent claim 1 is not anticipated by Reddy. Likewise, claims 2-15, which variously depend from claim 1, are not anticipated by Reddy. Moreover, some of the dependent claims 2-15 are allowable over Reddy for other reasons. For example, regarding claims 2-4, Reddy does not teach the step of registering transcoders with a call controller. Rather, the base station in Reddy simply accepts or rejects the vocoder selected by the mobile telephone. Regarding claim 4, Reddy does not teach the step of transmitting a set of vocoder capabilities from a transcoder to a call controller. Rather, the mobile telephone in Reddy simply transmits an identifier of a selected vocoder to the base station, and the mobile telephone is not a "transcoder" as recited in claim 4. Furthermore, the vocoder type identifier transmitted by the mobile telephone in the Reddy system does not contain vocoder capabilities as required by claim 4. Therefore, Applicant requests the withdrawal of the §102 rejection of claims 1 and 5.

Reddy is completely silent regarding the subject matter of claim 8. In addition, Applicant respectfully disagrees that the subject matter of claim 8 is inherent. For example, some communication systems will utilize transcoders even when they are not necessary or desirable. Claim 8 builds upon the call controller intelligence recited in claim 1; if the call controller determines that transcoding is not required, then the call controller prompts a direct connection between the originator and the terminator, thus bypassing the transcoder function.

For the additional reasons discussed above for claim 4, claims 9 and 10 are allowable over Reddy.

Independent claim 16, claims 17-19 (which depend from claim 16), and claim 20 are allowable over Reddy for the reasons discussed above.

Therefore, claims 1-20 are not anticipated by Reddy, and Applicant requests the withdrawal of the §102 rejection of claims 1-20.

In conclusion, for the reasons given above, all claims now presently in the application are believed allowable and such allowance is respectfully requested. Should the Examiner have any questions or wish to further discuss this application, Applicants request that the Examiner contact the undersigned attorney at (480) 385-5060.

If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent abandonment on this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

INGRASSIA FISHER & LORENZ

Dated: August 15, 2006

By: /MARK M. TAKAHASHI/  
Mark M. Takahashi  
Reg. No. 38,631  
(480) 385-5060